

C-1839-23-A

CAUSE NO. _____

MARCO GOMEZ

Plaintiff,

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**IN THE DISTRICT COURT**

**V.**

**JUDICIAL DISTRICT**

**SOUTHWEST VALLEY  
CONSTRUCTORS CO., and  
KIEWIT INFRASTRUCTURE  
WEST**

***Defendants.***

HIDLAGO COUNTY, TEXAS

**PLAINTIFF'S ORIGINAL PETITION AND NOTICE OF REQUIRED DISCLOSURES**

**TO THE HONORABLE JUDGE OF SAID COURT:**

**NOW COMES** Marco Gomez hereinafter called Plaintiff, and files this Original Petition, complaining of Southwest Valley Constructors Co. (hereinafter “Southwest”) and Kiewit Infrastructure West (hereinafter “Kiewit”), hereinafter called Defendant(s) and in support thereof, shows the Court the following:

# I.

### DISCOVERY CONTROL PLAN LEVEL

1. Plaintiff intends that discovery be conducted under Discovery Level 2.

## II.

## PARTIES AND SERVICE

1. Plaintiff Marco Gomez is an individual residing in Hidalgo County, Texas.

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2. Southwest Valley Constructors Co. is a Foreign Corporation that does business in Texas who may be served with process by serving its registered agent CT Corporation System at 1999 Bryan Street, Suite 900; Dallas, Texas 75201.
3. Defendant Kiewit Infrastructure West Co. is a Foreign Corporation who does business in Texas and may be served with process by serving its registered agent CT Corporation System at 1999 Bryan Street, Suite 900; Dallas, Texas 75201.

**III.**  
**JURISDICITON AND VENUE**

4. The subject matter in controversy is within the jurisdictional limits of this Court.
5. The Court has jurisdiction over the Defendants because Defendants have done act and/or omissions in Texas and are amenable to service by a Texas Court.
6. Venue is proper in Hidalgo County, Texas. Specifically, venue is allowed in Hidalgo County because all or a substantial part of the events and/or omissions occurred in Hidalgo County, Texas.

**IV.**  
**FACTS**

7. At all times material hereto, Defendants employed Plaintiff Marco Gomez.
8. On or about August 9, 2021 at the direction of Defendants Plaintiff was engaging in work at the worksite owned and operated by Defendants in Mission, Texas that involved performing mechanical work on equipment, including a cement truck. Defendants retained actual control or had the right of control over Plaintiff's work.

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9. Plaintiff was in the course and scope of his employment as a laborer with Defendants when he was directed to perform work on a cement truck that was not working properly.
10. While performing work ordered by Defendants, truck that Plaintiff was performing work on began to move and crushed Plaintiff's legs resulting in severe injuries.

**V.**

**CAUSE OF ACTION AGAINST EMPLOYER DEFENDANTS**

11. Defendants had a duty to provide Marco Gomez, its employee, with a safe workplace. Defendants were negligent by failing to: (1) ensure the worksite was free from unreasonable risk of harm; (2) warn Plaintiff of the grave dangers in the area where he was working; (3) provide Plaintiff with proper equipment that met code or product specifications; and (4) follow safety rules and regulations intended to ensure the safety of Plaintiff. Defendants' negligent conduct is a proximate cause of Plaintiff's damages.

**VI.**

**IN THE ALTERNATIVE, PREMISES LIABILITY**

12. Pleading strictly in the alternative, at the time of said occurrence and at all times material hereto, Plaintiff, was a business invitee and in the alternative, a licensee. Defendants were in possession of the premises. Conditions at the jobsite posed an unreasonable risk of harm to workers. Defendants had the duty to adequately warn of the dangerous conditions or make the conditions on this jobsite reasonably safe. Defendants failed to use ordinary care to warn about, reduce or eliminate an unreasonable risk of harm created by a premises condition, which Defendants knew about or in the exercise of ordinary care, should have known about, such that the Defendants had actual or constructive knowledge of unreasonably dangerous conditions on the premises; that the condition posed an

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unreasonable risk of harm to the Plaintiff; that the Defendants did not exercise reasonable care to reduce or to eliminate the risk; and that the Defendants failure to use such care proximately caused Plaintiff's catastrophic and permanent injuries.

**VII.**  
**DAMAGES**

13. As a direct and proximate result of the occurrence made the basis of this lawsuit, and Defendants' acts as described herein, Plaintiff was caused to suffer severe injuries, suffering and pain resulting in damages more fully set forth below.
14. Because of the violent acts and/or omissions by Defendant, Plaintiff has suffered damages within the jurisdictional limits of the Court, which include past and future: reasonable and necessary medical expenses, physical pain and suffering, physical impairment, mental anguish, disfigurement, and lost earning capacity.
15. By reason of all the above, Plaintiff seeks monetary relief over \$1,000,000 to compensate Plaintiff for his damages as stated above.

**VIII.**  
**NOTICED OF REQUIRED DISCLOSURES**

26. Pursuant to Rule 194 of the Texas Rules of Civil Procedure, Defendants are requested to disclose, within thirty (30) days of filing of an Answer, the information or material described in Texas Rule of Civil Procedure 194.2.

**IX.**  
**PRAYER**

**WHEREFORE, PREMISES CONSIDERED**, Plaintiff prays that Defendants be cited to appear and answer herein and that upon final trial, Plaintiff has judgment against the Defendants, jointly and severally for the damages described herein, pre-judgment interest on the appropriate

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elements of damages at the legal rate for the time periods permitted by law; post-judgment interest at the legal rate on the appropriate elements of damage for the time period permitted by law; costs of court as well as other relief, general or special, at law or in equity to which Intervenor may show herself to be justly entitled.

**Respectfully submitted,**

**BY: /s/ Alyssa L. Romero**  
**GEORGE K. FARAH**  
**State Bar No. 24040882**  
**ALYSSA L. ROMERO**  
**State Bar No. 24084725**  
**FARAH LAW GROUP, PLLC**  
**5211 S. McColl Suite F**  
**Edinburg, Texas 78539**  
**T: (956)800-4340**  
**F: (956)800-4341**  
**Email: [gkf@gflawoffices.com](mailto:gkf@gflawoffices.com)**  
**Email: [alr@gflawoffices.com](mailto:alr@gflawoffices.com)**

**ATTORNEYS FOR PLAINTIFF**

**PLAINTIFF HEREBY DEMANDS TRIAL BY JURY**

**Automated Certificate of eService**

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Alyssa Montanaro on behalf of Alyssa Romero

Bar No. 24084725

alr@gflawoffices.com

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Associated Case Party: Marco Gomez

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| Marisol Ortiz    |           | mo@gflawoffices.com  | 5/9/2023 4:31:58 PM | SENT   |
| Alyssa L. Romero |           | alr@gflawoffices.com | 5/9/2023 4:31:58 PM | SENT   |
| George K.Farah   |           | gkf@gflawoffices.com | 5/9/2023 4:31:58 PM | SENT   |